

Serial No. 10/594,313

REMARKS

The "connection surface" recited in the amended claims corresponds to one of the side wall(s) of the connecting portion 22, which is continuous with the surface(s) of the hinge portion inside the recess.

The new claims are supported in Fig. 2 and Fig. 6 (claim 11) and the specification describing those figures. They are patentable as explained below.

In response to the outstanding Office Action:

(1) The drawings were objected to for numeral 38, and corrected drawing sheets were required. This requirement is traversed on the basis that numeral 38 is now incorporated into the specification.

(2) The specification was objected to, and corrections are made as suggested by the Examiner. The objection is traversed as to page 4, and clarification is requested. The descriptions of Figs. 11-12 appear at lines 25-28 in the specification as shown in PAIR.

(3-4) Claims were rejected under § 112, second paragraph, for "connection portion." This rejection is traversed for the record, and the claims are amended. The phrase "connection portion" is, with respect, not inherently indefinite. As now amended, the claims recite additional features of the connection portions which further clarify. Withdrawal of the rejection is requested.

(5-6) Claims 1 and 5 were rejected under § 102(b), over Fuchs, US 5,913,435. This rejection is respectfully traversed.

Serial No. 10/594,313

The Examiner asserts that end portion 25 adjacent to 26 anticipates the claimed connection portion. However, the amended claims distinguish over the reference because Fuchs discloses no connection surface that is continuous with at least one surface of the hinge portion extending in an axial direction thereof. (The only "axial" direction in Fuchs is the direction that is upward in Fig. 2.)

New dependent claims 13 and 14 more clearly distinguish over the references.

Figs. 1 and 2 of Fuchs, taken together, shows that the longitudinal extension of the hinge meets the surface 26 *perpendicularly*. In Fuchs, every surface of the hinge portion extending in an axial direction thereof is in the open. This creates a large stress concentration. Fuchs increases the free length of the hinge in this way, which lowers the spring constant, but the stress level is increased.

(Fuchs does not relate the stress to the shape. Fuchs states (col. 1, line 46), "Among the objectives of the present invention are to provide an improved closure with a snap-type hinge cap like that in U.S. Pat. No. 5,489,035 with improved performance and longer life; which further reduces or eliminates excessive stress on the straps ..." This is the only mention of stress in US 5,489,035. This patent (also to Fuchs) has, apparently, exactly the same Figs. 1-10 as the Fuchs reference applied in this case; thus, Fuchs does not teach that the stress is related to the shape.)

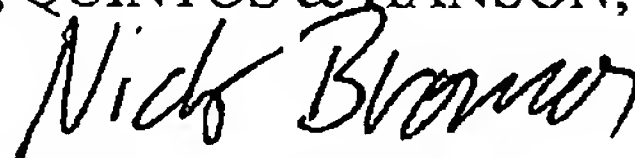
New claims 10-12, which also recite the Applicants' features, are not anticipated by Fuchs.

Serial No. 10/594,313

In view of the aforementioned amendments and accompanying remarks, the application is submitted to be in condition for allowance, which action is requested.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP



Nick S. Bromer
Attorney for Applicant
Reg. No. 33,478

NSB/lrj

Suite 400
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930

23850

PATENT & TRADEMARK OFFICE

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571-273-8300) on October 20, 2009.

Nick Bromer (reg. no. 33,478)

Signature

